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August 16, 2018

BY ECF

Honorable Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Bradley v. The New York City Dep't of Educ., et al.*,
16 Civ. 07043 (RA) (KNF)
Our No. 2016-037229

Dear Judge Abrams:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants The New York City Department of Education (“DOE”)¹, and David Fanning (“Fanning”) in the above-referenced action. Defendants write on behalf of all parties to respectfully provide the Court with a case status update in anticipation of the parties’ post-discovery conference.

Plaintiff in this case is a teacher employed by defendant DOE, and brings claims pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601, *et seq.* (“FMLA”), the Rehabilitation Act of 1973, 29 U.S.C. §§ 794, *et seq.* (“Rehabilitation Act”), and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, *et seq.* (“CHRL”). The Complaint alleges, *inter alia*, that defendants discriminated against plaintiff on the basis of his age, and retaliated against him for advocating to the school’s administration on behalf of Special Education students and exercising his rights under the FMLA.

Discovery closed in this matter on August 15, 2018, following several extensions of the parties’ discovery period. *See* Docket Entry No. 55. The parties have completed fact discovery, including depositions of the parties and non-party witnesses, with the exception of defendants’ outstanding request for plaintiff’s signed authorization releasing psychological medical records. Plaintiff has advised that the release will be provided shortly.

¹ DOE is, formally, the Board of Education of the City School District of the City of New York.

HONORABLE RONNIE ABRAMS

United States District Judge

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Plaintiff recently issued defendants a settlement demand which defendants are evaluating. Based on review of the information gathered in discovery, however, defendants do not believe that plaintiff can establish a case of discrimination or retaliation. Accordingly, defendants at this time anticipate that they will file a dispositive motion seeking summary judgment dismissal of the Complaint.

Thank you for your consideration of this matter.

Respectfully submitted,

[ECF] /S/
Cassandra Branch
Assistant Corporation Counsel

cc: **STEWART LEE KARLIN GROUP, P.C.**
Attorneys for Plaintiffs